

TOXIC SUBSTANCES CONTROL ACT (TSCA)12-5. Management of Polychlorinated Biphenyls (PCBs)

1. **AUTHORITY.** Pursuant to regulations promulgated under section 6(e) of the Toxic Substances Control Act (TSCA) and codified in 40 CFR part 750 and part 761:
 - a. To approve or disapprove a self-implementing cleanup of, or changes to an approved cleanup of, PCB remediation waste;
 - b. To grant, deny, and revoke TSCA PCB Coordinated Approvals;
 - c. To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil;
 - d. To approve requests to collect a surface sample from a natural gas pipe segment or pipeline section where the surface area is $< 100 \text{ cm}^2$;
 - e. To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste;
 - f. To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - g. To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - h. To request or require information or data on the nature, location, and extent of PCB contamination;
 - i. To extend the limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations, where the regulation specifically authorizes such extensions;
 - j. To approve changes in ownership or operational control of a commercial storage facility;
 - k. To approve or deny permit applications to operate PCB storage or disposal facilities;
 - l. To approve, approve modifications to, or release owners or operators from closure plans for commercial storage facilities.

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- a. The authorities described in subsections 1.b., 1.c., 1.f., 1.g., and 1.k., above, are hereby redelegated by the Regional Administrator to the Director of the Land and Chemicals Division. The authorities described in subsection 1.f. and 1.g. also are hereby redelegated to the Director of the Superfund Division for off-site actions not subject to Section 121(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9621(e).
- b. The authorities described in the above subsections 1.a., 1.e., 1.h., and as applicable, 1.i., are hereby redelegated by the Regional Administrator to the Chief of the Remediation and Reuse Branch of the Land and Chemicals Division.
- c. The authorities described in the above subsections 1.e., 1.i., 1.j., and as applicable, 1.l., are hereby redelegated by the Regional Administrator to the Chief of the Resource Conservation and Recovery Act Branch of the Land and Chemicals Division.
- d. The authorities described in the above subsection 1.d., and as applicable, 1.i., are hereby redelegated by the Regional Administrator to the Chief of the Chemicals Management Branch of the Land and Chemicals Division.

3. LIMITATIONS.

- a. This delegation is limited to the purposes stated herein and may be exercised only within the limitations of applicable law and regulation.
- b. The authorities described in Section 1 may only be exercised with regard to facilities which operate or will operate, or to activities which take place or will take place, only in Region 5.
- c. Exercise of the authorities described in subsections 1.b., 1.f., 1.g., and 1.k., above, requires the advance concurrence of the Regional Counsel or designee.
- d. With respect to the authorities delegated to the Superfund Division Director, before exercising the authorities described in subsection 1.f. and 1.g., the Superfund Division Director must consult with the Director of the Land and Chemicals Division.

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None of the authorities set forth in Section 1, above, may be redelegated below the levels specified in Section 2.

5. ADDITIONAL REFERENCES.

- a. For the purpose of this delegation, all terms, such as "disposal," have the meaning given to them under TSCA. Specifically, any delegations in 40 CFR § 761.3 apply.
- b. "Solely related to use" includes activities solely related to use, as well as those solely related to: storage for use or reuse, manufacture, processing related to manufacture and use, and distribution in commerce related to use or processing for use.
- c. "Solely related to disposal" includes activities solely related to disposal, as well as those solely related to: cleanup, storage for disposal, processing related to disposal, distribution in commerce related to disposal or processing for disposal, and decontamination.
- d. A memorandum from the two Assistant Administrators to their staffs may specify how administration of the PCB program will be managed, including identifying the responsible office for each regulatory provision and clarifying procedures for handling areas of joint and overlapping authority ("Joint Memo"). The Joint Memo and any subsequent mutually agreed upon modifications or memoranda should be consulted where more detail than provided in this delegation is needed. From time to time, the offices may find it necessary to update or amend the Joint Memo.
- e. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance (OECA). See Delegation Nos. 12-1 through 12-3, 12-9 and 12-24.
- f. TSCA grants and cooperative agreement related activities are governed by Delegation Nos. 12-9 and 12-22.